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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1405 OF 2005
IN
SUIT NO.521 OF 2003

Rajan N. Vaswani)..Plaintiff

Versus

Jagdish Girdhar and another)..Defendants

Mr.S.N. Kanuga i/b.S.P.Kanuga for the Plaintiff.

Mr.K.B. Dighe for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.
DATED : 3RD JULY 2006

P.C.:

. The present Motion has been taken out for a decree under the provisions of Order 8 Rule 10 of the Civil Procedure Code. It is contended on behalf of the Plaintiff that the Written Statement was not filed within the prescribed time by the Defendants and hence decree on admission be passed for want of Written Statement. It appears that the Written Statement has already been filed in Court albeit after this Motion was lodged.

2. In my view, since the Written Statement is already on record, no purpose would be served by considering this Notice of Motion. However, the Defendants must be saddled with costs in view of the delay in filing the Written Statement. Costs quantified at Rs.2000/-. Costs to be paid within four weeks from today to Maharashtra State Legal Services Authority.

3. Notice of Motion dismissed.